

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
BROOKLYN DIVISION

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

Deborah Smalls  
223 Stuyvesant Ave  
Brooklyn, NY 11221

Plaintiff,

v.

GC Services Limited Partnership  
c/o CT Corporation System, Registered Agent  
1633 Broadway  
New York, NY 10019

Defendant.

Case No.:

★ SEP 21 2009 ★

Judge:

BROOKLYN OFFICE

COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT  
COLLECTION PRACTICES ACT,  
INVASION OF PRIVACY, AND OTHER  
EQUITABLE RELIEF

**09 4088**

JURY DEMAND ENDORSED HEREIN

GLASSER, J.

JURISDICTION AND VENUE

**GOLD, M.J.**

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

FACTS COMMON TO ALL COUNTS

2. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
3. Plaintiff incurred a "debt" as defined by 15 U.S.C. §1692a(5).
4. At the time of the communications referenced herein, Defendant either owned the debt or was retained by the owner to collect the debt.
5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).
6. Plaintiff filed this claim within the timeframe permitted under the FDCPA.
7. On or around March 24, 2009, Defendant sent Plaintiff written notice of Plaintiff's opportunity to dispute the validity of the debt pursuant to 15 U.S.C. 1692g.

8. On or around April 14, 2009, Plaintiff sent Defendant a letter via certified mail in which Plaintiff disputed the debt and requested verification of the debt.
9. Defendant received Plaintiff's letter on or around April 22, 2009.
10. Despite receipt of Plaintiff's letter, Defendant continued to communicate with Plaintiff.
11. Defendant damaged Plaintiff emotionally and mentally and caused Plaintiff substantial anxiety and stress.
12. Defendant violated the FDCPA.

### **COUNT ONE**

#### **Violation of the Fair Debt Collection Practices Act**

13. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
14. Defendant violated 15 U.S.C. §1692c in that it communicated with Plaintiff notwithstanding its receipt of written cease and desist instructions.

### **COUNT TWO**

#### **Violation of the Fair Debt Collection Practices Act**

15. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
16. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect the debt.

### **COUNT THREE**

#### **Violation of the Fair Debt Collection Practices Act**

17. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
18. Defendant violated 15 U.S.C. §1692g by continuing its efforts to collect the debt without first validating the debt pursuant to Plaintiff's written request.

**JURY DEMAND**

19. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

20. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Macey & Aleman, P.C.

By: Maria Coen

Maria Coen

420 Lexington Avenue, Suite 2132

New York, NY 10170

Tel: 1.866.339.1156

Fax: 1.312.822.1064

Email: coe@legalhelpers.com

*Attorney for Plaintiff*